

**CLAIM REJECTION UNDER 35 U.S.C. § 102(B)**

Claims 1, 4-5 and 8-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kay et al. (U.S. Patent No. 5,422,932). This rejection is respectfully traversed.

Independent claim 1 sets forth a combination of limitations including “a modulator that...discontinues modulation of the carrier signal during inactive time slots when random bits are supplied from the system controller.” Additionally, independent claim 9 sets forth a combination of limitations including “control means for designating which of the time slots...are inactive time slots wherein modulation of carrier signals with transmit data is discontinued, and said control means optimally organizing the time slots so that each carrier signal has a minimum number of active time slots.” The several other rejected independent claims, claims 5, 12, 15 and 17, set forth similar subject matter as quoted immediately heretofore. For the following reasons, Applicant respectfully submits that the patent document relied upon by the Examiner fails to teach or suggest each and every limitation of the rejected independent claims.

Kay et al. teach a method in apparatus for moving active channels of carrier signals to other carrier signals, in order to minimize active carrier signals. An example of this is shown in Figures 4a and 5b of the relied upon patent document.

Initially, as shown in Figure 4a, carrier  $f_i$  includes active channels or time slots  $AV_1$ ,  $AV_2$ ,  $AV_1$  and  $AV_2$ . The carrier  $f_i$  also includes inactive channels, which are illustrated in Figure 4A as blank blocks. Also illustrated in Figure 4a is a carrier  $f_j$ . The carrier  $f_j$  includes active channels  $AV_3$  and  $AV_3$ . This carrier also includes four inactive channels that are illustrated by blank blocks.

The primary thrust of the Kay et al. patent document is to minimize so called co-channel interference. In order to achieve this, as is illustrated in Figure 5b of the relied upon patent

document, channels  $AV_3$  and  $AV_3$  are moved from carrier  $f_j$  to carrier  $f_i$ . Once this move is accomplished, the carrier  $f_j$  may be shut down. Kay et al. explicitly state "[t] his carrier can, in full compliance with IS-54, be turned off." (Column 7, lines 39-40.)

In comparison to that which is disclosed by the Kay et al. patent document, as is quoted from the recitation of independent claim 1, a modulator of the present invention discontinues modulation of the carrier signal during inactive time slots when random bits are supplied from the system controller. (Emphasis added.) Additionally, as is quoted hereinabove with respect to independent claim 9, a control means of the present invention is recited for designating which of the time slots are inactive time slots wherein modulation of carrier signals with transmit data is discontinued, and said control means optimally organizing the time slots so that each carrier signal has a minimum number of active time slots. (Emphasis added) Similar subject matter is also set forth in the other rejected independent claims. In contradistinction, Kay et al. teach turning off a carrier, not a time slot, once the carrier is free of all data. Therefore, Applicant respectfully submits that the patent document relied upon by the Examiner fails to teach or suggest at least the indicated limitations of the rejected independent claims.

With regard to the dependent claims, Applicant respectfully submits these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations set forth by these claims.

In view of the above remarks, Applicant respectfully requests reconsideration and withdrawal of the claims rejection under 35 U.S.C. § 102(b).

**CLAIM REJECTION UNDER 35 U.S.C. § 103(A)**

Claims 2 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable Kay et al. Additionally, claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kay et al. in view of Applicant's Background of the Invention. These rejections are respectfully traversed.

With regard to the rejection of claims 2 and 6, Applicant respectfully submits that these claims are allowable at least due their dependence upon an allowable independent claim. Regarding the rejection of independent claim 20, this claim sets forth "a control and data segment...not modulated with transmit data when in an inactive time slot of the carrier signal." As was discussed hereinabove, Kay et al. merely teach turning off a complete carrier signal when each of the channels or time slots thereof are inactive. This teaching does not teach or suggest the capability of demodulating individual inactive time slots.

Regarding the Applicants disclosure in the Background of the Invention, this disclosure does not make up for the deficiencies of the Kay et al. patent document as discussed herein. Accordingly, Applicant respectfully submits that Kay et al. in view of the background of the invention, either combination together or standing alone, fail to teach or suggest at least the indicated limitation of independent claim 20.

In accordance to the above, reconsideration and withdrawal of the claim rejections under 35 U.S.C. § 103(a) are respectfully requested.

**ALLOWABLE SUBJECT MATTER**

Applicant greatly appreciates the indication that claim 3 and 7 would be allowable if rewritten in independent form. However, Applicant has not amended these claims as it is

respectfully submitted that these claims directly or indirectly depend upon an allowable independent claim.

**CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone Timothy R. Wyckoff (Reg. No. 46,175) at (703) 390-3030 in the Washington D.C. area.

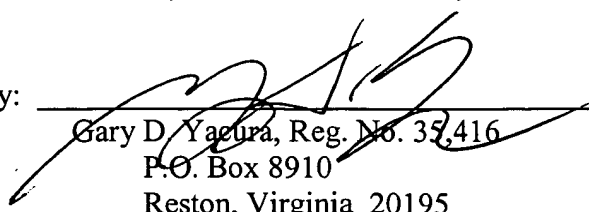
Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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